



November 10, 2025

Tori Kim  
Assistant Secretary and MEPA Director  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

**Re: Comments on proposed changes to MEPA Regulations at 301 CMR 11.00 et. seq.**

Dear Director Kim,

The Metropolitan Area Planning Council (MAPC) appreciates the opportunity to provide comments on the proposed MEPA Regulation amendments at 301 CMR 11.00. MAPC is the Regional Planning Agency serving the people who live and work in the 101 cities and towns of Greater Boston. Guided by the region's long-range plan, *MetroCommon 2050*, MAPC works with our communities towards a more equitable, sustainable, collaborative, and climate-resilient future. We are committed to supporting our communities with planning and implementing sound solutions to achieve their climate and housing goals, both locally and at the state level. As such, MAPC commends the Healey-Driscoll Administration's commitment to boost the Commonwealth's housing production while ensuring minimization of environmental impacts. We wanted to take this opportunity to note that we are also supportive of the proposed streamlined reviews for certain ecological restoration projects and qualifying urban renewal plans, which we understand the Administration is also considering.

In this letter, we focus our comments on the proposed criteria for streamlining MEPA review of qualifying housing projects. Overall, MAPC believes that the proposed changes would benefit from additional clarity and guidance regarding the way projects qualify for this streamlined process. In addition, MAPC strongly encourages the MEPA Office to consider implementing some level of detailed environmental impact assessment (e.g., water and wastewater capacity, trip generation, etc.) within the Expanded Environmental Notification Form requirements for qualifying housing project proposals. We have provided more detailed technical considerations and recommendations in the attached appendix.

MAPC also appreciates the MEPA Office's continuing commitment to facilitate meaningful engagement with Environmental Justice communities under 301 CMR 11.05(4). The 45-day advance notification requirement that would apply to any project located within a Designated Geographic Area for EJ Populations, even if streamlined, would ensure that these community members are still front and center in the planning and decision-making process. At the same time, we strongly encourage the MEPA Office to consider instituting additional requirements and/or incentives to promote affordable housing production in qualifying housing proposals.



Thank you for your consideration of MAPC's comments and recommendations, and we look forward to our continued collaboration with the MEPA Office. We also would like to offer our support to the MEPA Office, relevant state agencies, and housing and environmental advocacy groups as a thought partner to ensure effective implementation of MEPA regulation updates. Please don't hesitate to contact me should you have any questions.

Sincerely,

Lizzi Weyant  
Executive Director



## TECHNICAL APPENDIX

In this section we outline our primary recommendations and requests for clarification, organized as follows:

- I. Recommendations on MEPA Filing Process for Qualifying Housing Projects
- II. Recommendations on Further Clarity and/or Recommendations for Qualifying Housing Criteria

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### **I. Recommendations on MEPA Filing Process for Qualifying Housing Projects**

The current proposed amendments to the MEPA review process for qualifying housing projects only require an Environmental Notification Form (ENF) filing and would complete review within 30 days after a 20-day public comment period, unless extended with consent of the proponent and/or an Environmental Impact Report (EIR) is required at the discretion of the Secretary. MAPC is concerned that a stand-alone ENF filing would not provide sufficient information for review of a proposed development project and its potential impacts, including environmental and transportation-related analyses. MAPC recommends that MEPA consider, at a minimum, implementing the Expanded ENF requirements for the qualified housing project proposals so that some level of environmental impact can be assessed (e.g., water and wastewater capacity, traffic, etc.).

Furthermore, one of the most significant outcomes of any MEPA review is the identification of appropriate mitigation measures to address the environmental impacts of a project. In the current EIR process, Proponents document and commit to mitigation measures in a set of Section 61 findings, which are carried into the agency permitting that follows MEPA review and informs the terms and requirements of the permit. To address this critical gap in the process, MAPC suggests including proposed mitigation measures similar to Section 61 findings as part of the required documentation for the permitting process for qualifying housing projects. Doing so would provide guidance to the subsequent state permitting agencies and transparency about the mitigation measures the proposed development project is expected to conduct.

Lastly, as currently required, an ENF only requires a 20-day public review period. This is not sufficient, especially for large-scale projects that may require additional time. An Expanded ENF would provide a 30-day public review period.

### **II. Recommendations on Further Clarity and/or Guidance for Qualifying Housing Criteria**

MAPC notes the proposed amendments to 301 CMR 11.00 for streamlined review process of qualifying housing proposals, and recommends the following changes and/or additions to the criteria:



### ***Housing-Centered and Affordability***

MAPC applauds the thresholds established to ensure housing density.

While there is currently no threshold or requirement in MEPA review process to require a specific percentage of affordable units per project proposal, this streamlined process for qualified housing development proposals presents an opportunity to increase affordable housing production throughout the Commonwealth.

The MEPA draft regulations include a minimum number of units per acre for single family homes, two- and three-unit buildings, and multi-family buildings. However, MAPC also supports the inclusion of a certain percentage of affordable units, where feasible, that align with 760 CMR 72.00. In the case of multi-family units, the Commonwealth should consider a requirement that at least 10% of the units in a project be affordable as defined in 760 CMR 72.00, and the cap on the income of families or individuals who are eligible to occupy the units to be not less than 80% of area median income.

### ***Flood and Erosion***

MAPC strongly encourages the MEPA Office to consider all available flood projection data for site suitability assessment in order to ensure the highest sustainability and resilience standards of these proposed housing projects. As such, an assessment to demonstrate no or minimal impact from flood hazard should expand beyond just the current hazard areas defined by the Federal Emergency Management Agency (FEMA) to include future projections using data resources. While there is currently no perfect data source that provides definitive future coastal and inland flood impacts, we note that many current communities are collaborating with local watershed organizations to develop regional flood models that help them prioritize flood mitigation solutions as part of resilience planning efforts. We need to take advantage of these available data sources and ensure our state's future housing stocks are sustainably and resiliently built.

MAPC would also like to suggest considerations of other climate hazards identified by the municipality in which the proposed project will be located; most of the data can be found in the state's and local municipal hazard mitigation plans.

### ***Energy Efficiency***

MAPC commends the requirement of qualified housing projects to comply with energy efficiency standards in the current Stretch Code, which requires more stringent energy performance requirements than the Base Code. 301 of Massachusetts' 351 communities have already adopted the Stretch Code or the more advanced Specialized Code. Ensuring all projects conform to at least the Stretch Code will provide more uniformity across the Commonwealth.



### ***Water Supply and Wastewater Treatment***

On the other hand, the proposed criteria for qualifying housing with respect to water supply includes only one factor, that it “does not require approval of a new interbasin transfer of water or wastewater” and there are no criteria related to wastewater treatment proposed. Both water supply and wastewater capacity are significant factors that can enable or constrain housing development in most communities across the Commonwealth. While the need for an Interbasin Transfer Act (IBA) permit is a significant issue, it would not be a meaningful criterion in the vast majority of communities. IBA permits are only required in a handful of cases, and many of these cases in recent years have been related to new connections to the MWRA water system. Thus, IBA permits would not serve as an indicator of the adequacy of most community water systems to accommodate priority housing. A much more meaningful indicator that could be almost universally applied would be the status of the Water Management Act (WMA) permit, which indicates the community-specific authorized water withdrawal, data which is readily available from the Department of Environmental Protection (DEP). The permitted withdrawal can be compared to actual water withdrawals in recent years, data which is also readily available from DEP through the Annual Statistical Reports submitted by every public water supplier. If these data show that the additional water demand from a proposed housing project can be accommodated within the WMA permit, it could be appropriate to consider streamlined MEPA review from a water supply perspective.

Furthermore, the proposed regulatory revision does not include any criteria related to wastewater treatment capacity. While constraints are not as widespread as the water supply challenges, there are significant constraints on wastewater capacity in some communities, and this is not a factor that should be left out of consideration by the qualifying housing criteria. The issue can be addressed in a manner analogous to the suggested regulatory approach for water supply above. Wastewater treatment facilities operate under an NPDES permit if they discharge to surface water bodies or under a state Groundwater Discharge permit. In both cases, treatment system capacity is specified in the respective permit, and annual Discharge Monitoring Reports provide data on the actual volume of discharge of each system. These data are also readily available from the regulatory agencies, and like the Water Management Act, it would not require time-consuming data collection or elaborate analysis.

### ***Transportation – Average Daily Trips (ADT)***

The proposed thresholds for expedited permitting would allow projects in transit-oriented or mixed-use districts—or within one-half mile of a transit stop—to generate up to twice the amount of vehicular traffic (6,000 Average Daily Trips (ADT) compared to the current 3,000 ADT threshold). Because transit-oriented areas are intended to encourage higher levels of transit use and reduced vehicle dependence, we strongly urge that the current 3,000 ADT threshold be maintained.

We emphasize the importance of including mode share assumptions for transit, bicycle, and pedestrian travel to support non-SOV (single occupancy vehicle) travel modes, as required by MassDOT’s *Transportation Impact Assessment Guidelines*. Given that transportation is the



Commonwealth’s largest source of greenhouse gas emissions—accounting for 37%<sup>1</sup> — we want to ensure that proposed regulatory changes do not yield the unintended consequence of promoting more auto-oriented development in locations that should instead support higher transit use and reduced vehicle activity.

While the proposed regulations do not address vehicle miles travelled (VMT), MAPC notes that VMT is increasingly recognized as a metric for sustainability. We strongly encourage the MEPA Office to continue studying potential methodology around VMT and consider incorporating it as a measure of MEPA compliance. For more detailed comments on our position regarding VMT, please see MAPC's comment letter regarding MEPA Regulatory Updates submitted to EOEEA on September 16, 2024.<sup>2</sup>

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1. <https://www.mass.gov/info-details/2023-massachusetts-climate-report-card-transportation-decarbonization>

2. [https://www.mapc.org/wp-content/uploads/2025/11/Final\\_MAPC-Letter\\_MEPA-Regs-Update\\_9.16.24.pdf](https://www.mapc.org/wp-content/uploads/2025/11/Final_MAPC-Letter_MEPA-Regs-Update_9.16.24.pdf)